

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Civil Action No. 5:19-cv-25-FL**

Robert McGuire,

Plaintiff,

v.

LORD Corporation,

Defendant.

Motion for Leave to Amend Complaint

NOW COMES Plaintiff, Robert McGuire (“Plaintiff”) by and through the undersigned counsel, and respectfully requests the Court grant him leave to amend his Complaint pursuant to Fed. R. Civ. P. 15(a)(2). In support of this Motion, Plaintiff shows the Court as follows:

1. On December 27, 2018, Plaintiff filed his Complaint in this matter in Wake County Superior Court, alleging employment discrimination and retaliatory termination in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e et. seq (“Title VII”). (Document No. 1-3.)

2. On January 24, 2019, Defendant removed this action to the district court and later moved to dismiss the action pursuant to Fed. R. Civ. P. 12(b)(6). (Document No. 15.)

3. On September 30, 2019, the Honorable Judge Louise W. Flanagan granted Defendant’s Motion to Dismiss without prejudice and granted Plaintiff twenty-one days in which to move for leave to amend his Complaint. (Document No. 24 , pp. 10, 12.)

4. Now, through the undersigned Counsel, Mr. McGuire respectfully requests the Court's leave to amend the Complaint.

5. Plaintiff has not previously amended his Complaint, he makes this request in good faith and not for the purpose of undue delay.

6. Amendment is not futile, nor will Defendant be unduly prejudiced.

7. Plaintiff consulted with counsel for Defendant, but counsel did not consent.

8. A clean version and a redlined version of Plaintiff's Proposed Amended Complaint, as well as a Proposed Order and a Memorandum of Law are attached to this Motion.

WHEREFORE, Plaintiff, Robert McGuire, respectfully requests that the Court grant his *Motion for Leave to Amend* and permit him to file the Proposed Amended Complaint.

Respectfully Submitted,

This, the 21st day of October, 2019,

Venum PLLC

By: /s/ Elizabeth Venum
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Certificate of Service

The undersigned certifies that the foregoing was electronically filed this day with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record as follows:

Patricia T. Bartis
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This, the 21st day of October, 2019,

Venum PLLC

By: /s/ Elizabeth Venum
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